



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 03-332-B; 400/126)

In the Application of:

McSwiggen et al.

Serial No.: 10/652,791

Filing Date: August 29, 2003

For: RNA Interference Mediated Inhibition of  
Platelet-Derived Endothelial Cell Growth  
Factor (ECGF1) Gene Expression Using  
Short Interference Nucleic Acid (siNA)

Examiner:

Group Art Unit: 1635

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:


- ☒ Supplemental Information Disclosure Statement;
- ☒ Supplemental Information Disclosure Statement (IDS) PTO-1449 Form;
- ☒ Copies of IDS Citations for S/N 10/652,791 (Total 3 foreign patents and 1 other document, including International Search Report); and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on OCT. 14 2004.

By:

  
Christopher P. Singer  
Registration No. 48,701

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the cited references are enclosed. These references are also listed on the enclosed PTO Form 1449.

The Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. In accordance with this waiver, cited U.S. patents and U.S. patent application publications are not enclosed.

As this Information Disclosure Statement is being submitted after receipt of a foreign search report, a copy of the search report is attached herewith.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

#### **Foreign Patents**

1. Gillespie et al., International Application No. WO 90/10490 published November 29, 1990
2. Jen Sheen, International Application No. WO 00/49035 published August 24, 2000
3. Mushegian et al., International Application No. WO 01/06584 published December 20, 2001

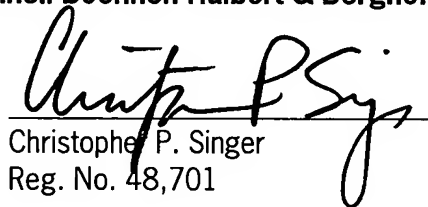
#### **OTHER DOCUMENTS**

4. International Search report PCT/US03/05346 mailed October 17, 2003
- \* Elbashir et al., "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells," *Nature*, 411:494-498 (2001)

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff**

Date: Oct. 14, 2004

By:

  
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**FORM PTO-1449**  
(Rev. 2-32)

**U.S. Department of Commerce**  
**Patent and Trademark Office**

**Atty. Docket No.**

03-332-B  
(400/126)

**Serial No.**

10/652,791

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)



**Applicant:**

McSwiggen et al.

**Filing Date:**

August 29, 2003

**Group:**

1635

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	1.	90/14090	11/29/90	WO (Gillespie et al.)				
	2.	00/49035	08/24/00	WO (Sheen, Jen)				
	3.	01/06584	12/20/01	WO (Mushegian et al.)				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

	4.	International Search Report PCT/US03/05346 mailed October 17, 2003
	*	Elbashir et al., "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells," <i>Nature</i> 411:494-498 (2001)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.